

REMARKS

Claims 1-12, 14, 22, 24-35 are currently pending. Claims 22, 24, and 25 are currently withdrawn from consideration. Applicants wish to thank the Office for indicating that the subject matter of claims 1-5, and 14 is allowable.

By way of this Amendment, claims 11, 22, and 25 have been amended, and claims 6-10, and 24 have been canceled. In addition, claims 26 through 35 have been canceled and added back as new claims 37-47 in order to address a claim numbering issue, discussed below. No new matter has been added.

Claim numbering

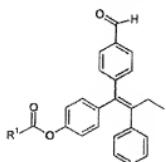
It appears that the previous response by Applicants inadvertently misnumbered claims 26-36 as claims 25-35, respectively. This error resulted in duplicate claims numbered "25". In an effort to correct to claim numbering issue, Applicants seek to cancel claims 25 (second occurrence) through 35, and to add the subject matter of those claims back as newly presented claims 37 – 47. Applicants have requested cancellation of claims "26-36" in order to avoid cancellation of claim 25 (first occurrence) and in order to ensure that originally presented claim 36 is canceled.

Rejection of Claim 12

Claim 12 is rejected under 35 USC 112, second paragraph, for having a compound name that is unclear. Applicants have reviewed the compound names and believe them to be appropriate. If the Examiner would articulate a more particular concern, Applicants would be more than happy to discuss the matter with the Examiner in order to resolve the issue.

Amendments to the Claim 32 and the Specification

The Office Action points out that formula IV of claim 32 (new claim 44)



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is confusing because substituent R¹ is defined as containing a carbonyl group, resulting in repeat carbonyl substituents. Correction has been made to claim 32 (new claim 44).

Upon further review, Applicants note that formula IV, and formulas V, VI, and IX, are more appropriately written with the R or R¹ group connected directly to the oxygen atom adjacent the carbonyl group. The formulas have been corrected at various locations throughout the specification as presented in a substitute specification filed in conjunction with this response. Support for the amendments is provided throughout the specification, examples, and claim 1 of the application.

In addition, a misnamed formula has been corrected on page 32 of the specification, and an inconsistent use of "R" on page 37 has been corrected.

Prior Art Rejection

Claims 6, 7, 9, and 10 stand rejected under 35 USC 102(b). Claims 6, 7, 9, and 10 have been canceled. Thus, the rejection has been rendered moot.

Request for Allowance of the Product Claims

Product claims 1-3 and 6 have been indicated as allowable but for the recitation of non-elected subject matter. Claims 1 and 6 have now been amended to exclude non-elected subject matter. Further, each of product claims 2-4, 8, and 24 now depend directly or indirectly from claim 1. Newly added claim 27 (supported by Example 54 of the originally-filed specification) falls within the elected genus of claim 1.

Applicants respectfully submit that the product claims are condition for allowance since they are now directed solely to the elected subject matter and since no other rejections have been raised. Such allowance is respectfully requested.

Request for Rejoinder and Allowance of the Process Claim

Applicants request rejoinder of process claims 25-31 in accordance with 37 CFR 1.475(b)(3). Claim 25 refers to and recites a subset of the substituent definitions of claim 1 such that claim 25, and claims 26-32 (now claims 37-43) by dependency, contain the limitations of product claim 1. As such, rejoinder is proper and rejoinder is respectfully requested. Applicants respectfully request that rejoined claims be allowed.

Request for Rejoinder and Allowance of the Method of Treatment Claims

Applicants request rejoinder of method of treatment claim 22 in accordance with 37 CFR 1.475(b)(3). Claim 22 has been amended to include the recitations of claim 24, now canceled. Applicants submit that the method of treatment claim is in condition for examination and subsequent allowance. Rejoinder, examination, and allowance of the method of treatment claim is respectfully requested.

Conclusion

Applicants assert that the instant Amendment places the application in a condition for allowance, and such allowance is respectfully requested.

The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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